

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

RICHARD CHILD GARNER, JR.,
TDCJ 562359,

Plaintiff,

*versus*INTERNATIONAL APOCALYPTIC
FALLEN ANGELS 777, *et al.*,

Defendants.

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CIVIL ACTION H-07-3175

Opinion on Dismissal

Richard Child Garner, Jr. filed this civil rights complaint. Garner is held in the state prison. He moves to proceed as a pauper.

Garner has sued in federal district court seven times. Three of his lawsuits and one appeal were dismissed as frivolous or for failure to state a claim. *See Garner v. International Federal Governments, et al., Dep't.*, 4:07mc3255 (S.D. Tex.); *Garner v. Martinez, at al.*, 2:05cv266 (S.D. Tex.); *Garner v. Redden, et al.*, 6:95cv135 (W.D. Tex.); and *Garner v. Redden, et al.*, 96-50442 (Court of Appeals). When Garner filed these three lawsuits and appeal, he was in prison or jail. Three of these other cases were dismissed before he filed this case.

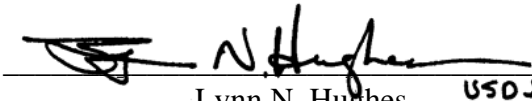
A prisoner is not allowed to bring a civil case in federal court as a pauper if, while incarcerated, he brought three prior actions which were dismissed as frivolous or for failure to state a claim, unless he is under imminent danger of serious physical injury. 28 U.S.C. § 1915(g). Garner's papers do not show he is in imminent danger of serious physical injury. This case must be dismissed under section 1915(g).

The District Court for the Western District of Texas, Judge Smith, sanctioned Garner by directing the clerk to accept no further cases from Garner without leave granted by a judge until court costs were paid. *See Garner v. Redden, et al.*, 6:95cv135 (W.D. Tex.). The clerk's records do not show Garner has paid the court costs. This court issued a Policy Statement over the signature of Chief Judge Norman Black concerning prisoners who have been sanctioned in other District Courts in Texas. Under the Policy Statement this court

will, when required by comity and justice, enforce the sanction orders imposed by other federal district courts in Texas. This case should be dismissed under the Western District sanction order. This court would not have given Garner prior permission to sue had he sought it. Garner's list of defendants shows he does not state a claim recognized at law and that this case should go no further. Garner sues International Apocalyptic Fallen Angels 777, Uncle Sam, NASA's Brain Child, Little Black Sambo's Inheritance, Corporate/Incorporate Take Overs, Nosie Bitch #1, Nosie Bitch #2, Armageddon Litigations #1 - 19, and Uncle Sam I Am.

This case is dismissed under 28 U.S.C. § 1915(g) and Judge Smith's sanction order.

Signed October 12, 2007, at Houston, Texas.



Lynn N. Hughes **USDJ**
United States District Judge